TRAVANCORE
GOVERNMENT GAZETTE,
SUPPLEMENT.

TUESDAY,
30th May 1899.

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 3 P. M. on Saturday the 27th May 1899. / 15th Edavom 1074.

PRESENT.

M. R. Ry. K. Krishnaswamy Rao Avergal, Dewan Bahadur., F. M. U.; Dewan ... ... *Presiding.*

M. R. Ry. P. Thanu Pillai Avergal, M. A., B. M. U.

M. R. Ry. T. Rajaram Row Avergal, B. A.

Mr. C. J. Maltby.

M. R. Ry. E. Ramier Avergal.

Mr. K. K. Kuruvila, B. C. E.

M. R. Ry. K. Kochukrishna Marar Avergal, B. A. & B. L.

Secretary.—I beg to announce that the Criminal Procedure Code Amendment Bill and the Abkari Regulation Amendment Bill passed by the Council on the 18th March 1899, received the assent of His Highness the Maha Rajah on the 23rd March 1899 and have become law as Regulations III and IV of 1074, respectively.

WILLS BILL.

Mr. Thanu Pillai.—I beg to propose a few amendments.

The first amendment is purely verbal. It is to recast section 3 as follows:—"Subject to the limitations hereinafter prescribed, a person may devise by Will any property which is so completely under his control that he may give it away during his life-time." There is absolutely no difference between this and section 3 of the Bill for which it is proposed to be substituted. The wording of section 3 is rather cumbrous, inelegant and obscure, and the amendment seeks to remedy this defect.

Seconded by Mr. Ramier.

Carried.

Mr. Thanu Pillai.—My second amendment is also verbal. I propose to insert the words "if any" between "law" and "for" in the last but one line of section 16. The addition of these words is necessary because we have at present no probate law, though one is under contemplation. It is not likely that it will be passed simultaneously with this Bill. There will, necessarily, be an interval between the passing of this law and the probate law, and in reference to that interval the addition of the proposed words would make the section more accurate.

Seconded by Mr. Kuruvila.

Carried.

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Mr. Thanu Pillai.—My next amendment, in section 23, is rather important. I propose the omission of the words " to create by Will any interest in property which he could not have created under the law by which he is governed, or " and also the words " by Will " at the end of the section. Perhaps a word of explanation is necessary. Section 23 is taken from the Hindu Wills Act; but that Act does not *confer* the power of making Wills, but only *regulates* or *declares* the power which was held to have been already possessed by the Hindus. In Travancore, on the other hand, according to the interpretation put by the local High Court, the people do not possess the power of making Wills. This Bill *confers* the power for the first time. If the words which I propose to omit are retained, they will practically nullify section 3 and thus defeat the very object of the measure. Hence the amendment.

Seconded by Mr. Kochukrishna Marar.

Carried.

Mr. Kochukrishna Marar.—I beg to propose the following amendment:—For section 24, substitute, " Nothing in this Regulation shall be taken to affect or curtail the extent of testamentary power possessed by any person before this Regulation came into force, except in respect of immovable property situate within Travancore." This amendment has been considered necessary to remove some of the practical difficulties that are likely to be met with by retaining section 24 as it is in the Bill. What these difficulties are have been already explained before this Council on a former occasion.

Seconded by Mr. Rajaram Row.

Mr. Ramier.—This point was discussed at great length at a previous meeting of this Council. I do not wish to reopen the discussion but merely refer to it to explain my attitude in regard to this amendment. I however abstain from voting.

Carried by majority, Messrs. Thanu Pillai and Ramier abstaining from voting.

Mr. Thanu Pillai.—My last amendment is also important. It is to add a new section exempting Europeans and Americans from the operation of this Regulation. In one sense it is not a new provision, for you will observe that the Select Committee when considering this Bill thought such a provision necessary and recommended its adoption. But the Council took a different view. On further consideration, however, it has been thought desirable to exempt Europeans and Americans from the operation of this Regulation. They have their own personal law on the subject and have been making Wills under that law, and these Wills have been acted upon in this country all these years. The provisions of this Bill are not on all fours with that law. There are certain material differences and it is considered not quite necessary to make any modification in respect of Europeans and Americans so far as the making of Wills is concerned. Hence this amendment.

Seconded by Mr. Maltby.

Carried.

Mr. Thanu Pillai.—I beg to move that the Bill as amended be passed and that it come into force on the first day of Mithunam 1074.

The motion was put and agreed to.

PUBLIC CONVEYANCES BILL.

Mr. Thanu Pillai.—I beg to move for leave to introduce a Bill to regulate Public Conveyances in this country. The Bill has already been placed before the members. In the Statement of Objects and Reasons I have briefly mentioned the reasons which have led to the bringing forward of this measure. We have at present no law to regulate the working of steam-boats, tram-cars and other vehicles worked by steam, electricity, gas or other mechanical power, and established as a regular business *i. e.* for the public conveyance of passengers, goods and animals from one specified place to

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